

Message

From: Goforth, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0821CCF0EA9E4C18A3D2A583158B713E-KGOFORTH]
Sent: 7/17/2017 3:12:07 PM
To: Moutoux, Nicole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=574b3a85014d46d3965b59700a04a55e-NMOUTOUX]
Subject: Fwd: Record of Decision for Rosemont Copper Mine

Below is the response I received from Kerwin's staff. It doesn't directly answer my question about what activities could be undertaken once the MPO has been issued if no 404 permit has been issued; but it seems to indicate that any and all ground-disturbing activities outside of waters of the US could occur under those circumstances. My concern is that, if the MPO is approved in the absence of a 404 permit and the Corps eventually denies the permit, irreversible damage could be done in the meantime.

-Kathy

Sent from my iPhone

Begin forwarded message:

From: "Baxter, Sarah - FS" <sbaxter@fs.fed.us>
Date: June 14, 2017 at 10:30:54 AM PDT
To: "Goforth, Kathleen@epa.gov" <Goforth.Kathleen@epa.gov>
Cc: "Dewberry, Kerwin -FS" <kdewberry@fs.fed.us>
Subject: RE: Record of Decision for Rosemont Copper Mine

Dear Ms. Goforth:

Coronado National Forest Supervisor, Kerwin Dewberry, requested that I respond to your email inquiry dated Thursday, June 8, 2017 pertaining to the Rosemont Copper Project (RCP) Record of Decision (ROD). Set forth below are your questions in *maroon* and our response to these questions in **black**.

Deliberative Process / Ex. 5

I recognize that section 9.2.1 specifies that no activities within waters of the US could occur in the absence of a 404 permit, but I'm wondering whether activities outside of waters could commence in the absence of a 404 permit and, if so, what those activities would be.

The approval of the MPO is the authorization to operate. However, section 9.2 of the ROD also states:

"Approval of the MPO does not relieve the proponent of the responsibilities to comply with other applicable Federal or State laws, rules or regulations".

In addition, no ground-disturbing activities on NFS lands will be conducted prior to MPO approval.

Should you have any additional questions or concerns, please do not hesitate to contact us.

Regards,



Sarah Elizabeth Baxter, PMSc.

Geologist

Mineral Resources Project Manager

Forest Service

Coronado National Forest

p: 520-388-8348

Personal Matters / Ex. 6

sbaxter@fs.fed.us

300 W Congress St

Tucson, AZ 85701

www.fs.fed.us



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From: Dewberry, Kerwin -FS

Sent: Thursday, June 08, 2017 6:36 PM

To: Baxter, Sarah - FS <sbaxter@fs.fed.us>

Cc: Parker, Tracy -FS <tparker03@fs.fed.us>

Subject: Fwd: Record of Decision for Rosemont Copper Mine

Kerwin Dewberry

Forest Supervisor

Coronado National Forest

Office (520) 388-8306

Personal Matters / Ex. 6

Sent from my iPhone

Begin forwarded message:

From: "Goforth, Kathleen" <Goforth.Kathleen@epa.gov>

Date: June 8, 2017 at 5:09:14 PM MST

To: "Dewberry, Kerwin -FS" <kdewberry@fs.fed.us>

Subject: RE: Record of Decision for Rosemont Copper Mine

Hi, Kerwin –

I hope all is well with you. Thanks for sending me a copy of the signed ROD. I have a question about the Clean Water Act 401 Certification requirement in section 9.1.3 of the ROD. That section says,

“The Forest Service cannot authorize an MPO until the CWA 401 certification has been obtained or waived by the designated entity. . . . On February 3, 2015, ADEQ issued a 401 certification for the Forest Service’s selected action as described in the FEIS and draft ROD, under the condition that the USACE issue a 404 permit for the project.”

Does the fact that the 401 certification has been issued satisfy the requirement to provide a 401 certification, in which case, once all of the other ROD requirements are met, the MPO could be authorized even if no 404 permit has been issued; or must a 404 permit be issued before Forest Service considers the applicant to have met the requirement to provide a 401 certification and authorizes the MPO? I recognize that section 9.2.1 specifies that no activities within waters of the US could occur in the absence of a 404 permit, but I’m wondering whether activities outside of waters could commence in the absence of a 404 permit and, if so, what those activities would be.

Thanks -

-Kathy

Kathleen Martyn Goforth, Manager
Environmental Review Section (ENF-4-2)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3521

From: Dewberry, Kerwin -FS [<mailto:kdewberry@fs.fed.us>]

Sent: Wednesday, June 7, 2017 1:03 PM

To: julie_katsel@flake.senate.gov; shay_saucedo@mccain.senate.gov; glenn.miller@mail.house.gov; cjkaramargin@mail.house.gov; David.R.Stine.mil@mail.mil; David.J.Castanon@usace.army.mil; Sallie.Diebolt@usace.army.mil; Afeldhausen@blm.gov; Pmathis@blm.gov; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Suriano, Elaine <Suriano.Elaiane@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Torres, Tomas <Torres.Tomas@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Jessop, Carter <JESSOP.CARTER@EPA.GOV>; Steve.Spangle@fws.gov; scott_richardson@fws.gov; jason_douglas@fws.gov; Leah.Mcguinnis@NPS.gov; Scott.Stonum@NPS.gov; David.Hurd@NPS.gov; Melissa.Trenchik@NPS.gov; falco@cfa.harvard.edu; alexandra.terry@cfa.harvard.edu; edwardd.manuel@tonation-nsn.gov; Laura.Berglan@tonation-nsn.gov; peter.steere@tonation-nsn.gov; Laurie.suter@tonation-nsn.gov; BCarra@ak-chin.nsn.us; adalessandro@azleg.gov; rgabaldon@azleg.gov; dhernandez@azleg.gov; js9@azdeq.gov; Krista Osterberg <ko1@azdeq.gov>; jwindes@azgfd.com; lpollock@azgfd.gov; jfrancis@azgfd.gov; pearthre@email.arizona.edu; wmehl@azland.gov; david.jacobs@azag.gov; rojeda@azland.gov; LSwartzbaugh@asmi.az.gov; jmeza@azstateparks.gov; rcasavant@azstateparks.gov; rlane@azdot.gov; cchandler@azwater.gov; district4@pima.gov; Julia.Fonseca@pima.gov; Nicole.Fyffe@pima.gov; frank.postillion@rfcd.pima.gov; Suzanne.shields@rfcd.pima.gov; Mayor1@tucsonaz.gov; Leslie.Ethen@Tucsonaz.gov; James.MacAdam@Tucsonaz.gov; Nicole.Ewing-Gavin@Tucsonaz.gov;

Andrew.Greenhill@tucsonaz.gov; jdoyle@nogalesaz.gov; kudall@sahuaritaaz.gov

Subject: Record of Decision for Rosemont Copper Mine

To all who may be concerned:

I am writing to notify each of you that I have prepared and signed the final Record of Decision (ROD) for the Rosemont Copper Project (RCP). The ROD outlines my decision to: (1) select the Barrel alternative and approve the mine plan of operations (MPO) once amended and (2) to amend the 1986 Forest Plan by creating a new management area around the mine site. Attached please find a copy of the correspondence sent via US Mail to the cooperating agencies and the 101 objector's to the Final Environmental Impact Statement (FEIS) that was released on December 13, 2013.

The final ROD is available online at the project website:

<http://www.rosemonteis.us>. These documents are also for review at the CNF in a public reading room and available to check out at local public libraries in and around Tucson, AZ (location provided on the project website).



Kerwin S. Dewberry
Forest Supervisor

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Coronado National Forest

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Personal Matters / Ex. 6

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